

**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR

ROY K. AMEMIYA, JR.  
MANAGING DIRECTOR

GEORGETTE T. DEEMER  
DEPUTY MANAGING DIRECTOR

July 2, 2018

The Honorable Ernest Y. Martin  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 S. King Street, Room 202  
Honolulu, Hawaii 96813

Dear Council Chair Martin and Councilmembers:

SUBJECT: Bill for an Ordinance Relating to Illegal Lodging

I am pleased to submit to you for your consideration a Bill for an Ordinance ("Bill") that prohibits lodging on a public sidewalk or public area. Lodging in this case means to occupy a place temporarily, to sleep, to come to rest and refuse to vacate the area as requested.

The bill amends Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and other Public Places") by adding a new article entitled "Illegal lodging on a sidewalk or other public area". The new article states that no person shall lodge on a public sidewalk or public area.

In addition, it states that no law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless the officer has verified that shelter space is available, including within a reasonable distance. The officer must offer to transport the person to the available shelter. If the person refuses to go to a shelter, the officer shall allow the person at least one hour to relocate from the sidewalk or public area.

If the person fails to comply, he or she may be cited or arrested for a violation. Upon conviction, a person violating this provision would be guilty of a petty misdemeanor.

18 JUL 5 AM 9:15 CITY CLERK

The Honorable Ernest Y. Martin  
Chair and Presiding Officer  
and Members  
July 2, 2018  
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The State of Hawaii, the City and County of Honolulu, and its private partners have spent millions in taxpayer funds to provide shelter space, temporary, and transitional housing. While the number of homeless individuals and families continues to decrease because of these efforts, there are groups of people who prefer to live on our sidewalks and public areas, refuse to go into shelter, or have been banned or rejected from shelter.

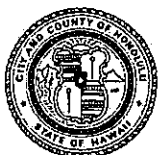
Our sidewalks and public areas are meant to be used by the general public, and the presence of illegal lodging in these areas robs the public of using and enjoying them. Illegal lodging also creates a visual blight on our streets, and exposes the public to unsafe and unhealthy environments. We must maintain our sense of compassion for those without housing by making available resources easily accessible.

I urge you to give serious consideration to his new Bill for an Ordinance as we work together to find solutions to one of the most challenging public issues of our time.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", written over a horizontal line.

Kirk Caldwell  
Mayor



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

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## A BILL FOR AN ORDINANCE

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RELATING TO ILLEGAL LODGING.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to continue active communication regarding the shelter facilities available to those who would greatly benefit from these resource, to offer to transport the individual to the shelter facilities, to inform and encourage those who would benefit from shelter facilities to make use of those resource.

The council of the city and county Honolulu finds:

- (a) The State of Hawaii, City and County of Honolulu, and its private partners have expended millions of dollars and resources in providing available short-term and transitional housing, also known as shelter facilities, for its residents. Many of these residents who would benefit from these resources are unaware of the available resources and/or have an uninformed impression of the benefits of these short-term and transitional housing.
- (b) There is a need to continuously maintain communication with those who would benefit from these resources and to encourage and gently coerce these individual to make use and to take advantage of these resources.
- (c) Often the shelter facilities are some distance away and if law enforcement officers with the assistance of other agencies and these shelter provider would offer to transport the resident to the shelter facilities, there will be an increase in use for the benefits of the individuals.

SECTION 2. Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and other Public Places", as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to be read as follows:

"Article \_\_\_\_\_. Illegal Lodging on a sidewalk or other public area.

Sec. 29-\_\_\_\_.1 Prohibition—Exceptions—Citations.

- (a) No person shall lodge on a public sidewalk or other public area.



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

## A BILL FOR AN ORDINANCE

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- (b) No law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless:
- (1) The law enforcement officer has verified that shelter space is readily available, including within a reasonable distance; offers to transport the person to the available shelter and unless the officer orally requests or orders the person to refrain from the alleged violation of this section and, if the person fails to comply after receiving the oral request or order, the officer tenders a written request or order to the person warning that if the person fails to comply the person may be cited or arrested for a violation of this section; and
  - (2) If the person refuses to go to or be transported to the available shelter, the officer shall allow the person at least one hour to relocate him or herself from the sidewalk or public area.

- (c) As used in this section:

"Lodge or lodging" shall mean to occupy a place temporarily; to sleep; to come to rest and refuse to vacate the area as requested above.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

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**A BILL FOR AN ORDINANCE**

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Sec. 29-\_\_\_\_.2 Penalty.

Any person violating any provision of this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS Sections 706-640 and 706-663, as amended.

INTRODUCED BY:

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DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu